

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	CR. NO. 2:11cr209-WKW
)	
ROBERT JERRELL BONNER)	

ORDER

The government filed on March 16, 2012, a motion requesting that the court order an examination of the defendant pursuant to 18 U.S.C. § 4241. (doc. # 24)

Prior to the filing of this motion, the defendant secured two locally performed psychological examinations conducted by Dr. Boyer. During a hearing held on the government's motion on March 27, 2012, reports of those examinations were admitted into evidence and placed under seal. While the defendant does not object to another examination, the defendant does argue that it should be done at a local facility. However, upon review of the Boyer reports which reveal certain ambiguities in the defendant's intellectual abilities and his capacity to understand right from wrong, the court concludes that a period of examination at an appropriate federal facility is necessary.

Based on the evidence before the court, it appears to the court that there is reasonable cause to believe that ROBERT JERRELL BONNER at the time of the commission of the offense charged may have been insane or mentally incompetent

and/or may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. Accordingly, it is

ORDERED that the United States Marshal for this district immediately remove the defendant to the custody of the warden of an appropriate institution as may be designated by the Attorney General where the defendant is to be committed for the purpose of being observed and examined for a period not to exceed 45 days by one or more qualified psychiatrists or psychologists at the institution, pursuant to the provisions of 18 U.S.C. §§ 4241, 4242 and 4247(b), (c). The 45 day period shall be counted from the day of the defendant's arrival at the designated institution. It is further

ORDERED that pursuant to 18 U.S.C. § 4247(c) the examining psychiatrist or psychologist conducting the mental examination of the defendant report in writing to this court within 60 days from the date of the defendant's arrival at the institution as to the findings, opinions and conclusions relative to the competency or incompetency of the defendant and specifically report to and advise this court whether or not in their opinion the defendant may be presently insane or otherwise so mentally incompetent as to be unable to understand the proceedings against him

or properly assist in his own defense and further specifically report their findings, opinions and conclusions as to whether the defendant, at the time of the commission of the offense with which he is charged, was insane or mentally incompetent. As required by 18 U.S.C. § 4247(c), the report shall be sent directly to The Clerk of the Court, United States District Court, Middle District of Alabama, P.O. Box 711, Montgomery, AL 36101-0711. Upon receipt, the Clerk shall file the report under seal. It is further

ORDERED by this court that the defendant shall be incarcerated and remain at the institution designated by the Attorney General until the examination has concluded. The examining authority is DIRECTED to notify the United States Marshal for the Middle District of Alabama at the conclusion of the examination, and the Marshal shall promptly return the defendant to the Middle District of Alabama for further proceedings.

The clerk of this court is hereby DIRECTED to furnish the United States Marshal for this district three certified copies of this order.

Done this 27TH day of March, 2012.

/s/Charles S. Coody
CHARLES S. COODY
UNITED STATES MAGISTRATE JUDGE